

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	- · - ·
Hai H. Trieu	)	Before the Examiner
Serial No. 10/645,006	)	C
August 21, 2003	)	Group Art Unit 3738
ALLOGENIC/XENOGENIC IMPLANTS	)	
AND METHODS FOR AUGMENTING	)	
OR REPAIRING INTERVERTEBRAL	)	
DISCS	)	January 28, 2005

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Alexandria, VA 22313

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R § 1.56 and 1.98,

Applicant discloses the references listed on the attached Information Disclosure Citation

Form SB08A and/or SB08B.

This information has not been previously submitted in this application, and has not been heretofore cited by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, prior art or material to patentability as defined in §1.56(b).

The undersigned hereby certifies that each item of information contained in this

Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

This Statement is being submitted more than three months after the filing date of the application but prior to the mailing of a first Office Action on the merits. Therefore, no fee is believed to be due. However, if such a fee is due the United States Patent and Trademark Office is authorized to charge any deficiency or credit any refund to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

 $\widehat{\mathbf{B}\mathbf{v}}$ 

Timothy N Thomas, Reg. No. 35,714

Woodard, Emhardt, Moriarty, McNett

& Henry LLP

Bank One Center/Tower

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456 Telephone

(317) 637-7561 Facsimile

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO

Sheet

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

of

Complete if Known				
Application Number	10/645,006			
Filing Date	August 21, 2003			
First Named Inventor	Hai H. Trieu	<u>-</u> -		
Group Art Unit	3738			
Examiner Name				
Attornev Docket Number	4002-2624/PC531.00			

U.S. PATENT DOCUMENTS					
Examiner	aminer Cite	Document Number	Publication Date	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
Initials*	No. <sup>1</sup>	Number-Kind Code <sup>2</sup> (If known)	MM-DD-YYYY		
		US-2002/0151981	10/17/2002	Ferree	
		US-2002/0026244	02/28/2002	Trieu	
		US-			
		US-			
		US-			
	·	US-			
		US-			
		US-			
<b>-</b>		US-			
		US-			
		US-			
ر ا		US-			
		US-			

Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Τ*
<del> </del>	-	· · · · · · · · · · · · · · · · · · ·	00/44/2002	<del>-</del>	rigures Appear	-
		WO 03/066120	08/14/2003	Ferree		<b>.</b>
		WO 2004/026189	04/01/2004	SDGI Holdings		

1		 		
ı	Examiner		Date	
	Signature		Considered	
1				

EXAMINER: IIIII ai II reference considered, whether of hot change is in comordinance with MPEP 609. Draw line through change it hot in comordinance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.s. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>3</sup> Kind of document by the apopropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.